Environmental Assessment Report

<table>
<thead>
<tr>
<th>Proponent</th>
<th>R &amp; P Morey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Flexmore Park Sand Extraction</td>
</tr>
<tr>
<td>Location</td>
<td>716 Shark Point Road, Penna</td>
</tr>
<tr>
<td>NELMS no.</td>
<td>PCE No. 9967</td>
</tr>
<tr>
<td>Permit Application No.</td>
<td>DA 5.201’8.169.1 (Sorell Council)</td>
</tr>
<tr>
<td>Electronic Folder No.</td>
<td>EN-EM-EV-DE-256110</td>
</tr>
<tr>
<td>Document No.</td>
<td>M415313</td>
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<tr>
<td>Class of Assessment</td>
<td>2A</td>
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Assessment Process Milestones

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>Notice of Intent lodged</td>
</tr>
<tr>
<td>13th August 2018</td>
<td>Guidelines Issued</td>
</tr>
<tr>
<td>28th May 2018</td>
<td>Permit Application submitted to Council</td>
</tr>
<tr>
<td>14th June 2018</td>
<td>Application/Referral received by the Board</td>
</tr>
<tr>
<td>1st November 2018</td>
<td>Start of public consultation period</td>
</tr>
<tr>
<td>18th December 2018</td>
<td>End of public consultation period</td>
</tr>
<tr>
<td>18th March 2019</td>
<td>Date draft conditions issued to proponent</td>
</tr>
<tr>
<td>2nd February 2019</td>
<td>Statutory period for assessment ends</td>
</tr>
<tr>
<td>Acronyms</td>
<td>Description</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>AHT</td>
<td>Aboriginal Heritage Tasmania</td>
</tr>
<tr>
<td>ASS</td>
<td>Acid sulfate soils</td>
</tr>
<tr>
<td>Board</td>
<td>Board of the Environment Protection Authority</td>
</tr>
<tr>
<td>EEPR</td>
<td>Environmental Effects &amp; Planning Report</td>
</tr>
<tr>
<td>DPIPWE</td>
<td>Department of Primary Industries, Parks, Water and Environment</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EL</td>
<td>Environmental Licence</td>
</tr>
<tr>
<td>EMPC Act</td>
<td><em>Environmental Management and Pollution Control Act 1994</em></td>
</tr>
<tr>
<td>EMPCS</td>
<td>Environmental Management and Pollution Control System</td>
</tr>
<tr>
<td>EPBC Act</td>
<td><em>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</em></td>
</tr>
<tr>
<td>LUPA Act</td>
<td><em>Land Use Planning and Approvals Act 1993</em></td>
</tr>
<tr>
<td>PCAB</td>
<td>Policy and Conservation Advice Branch</td>
</tr>
<tr>
<td>PWS</td>
<td>Tasmanian Parks and Wildlife Service</td>
</tr>
<tr>
<td>QCoP</td>
<td><em>Quarry Code of Practice 2017</em></td>
</tr>
<tr>
<td>RMPS</td>
<td>Resource Management and Planning System</td>
</tr>
<tr>
<td>SD</td>
<td>Sustainable Development</td>
</tr>
<tr>
<td>SRAD</td>
<td>Standard Recommended Attenuation Distance</td>
</tr>
<tr>
<td>WM Act</td>
<td><em>Water Management Act 1999</em></td>
</tr>
</tbody>
</table>
Report Summary

This report provides an environmental assessment of a proposed sand pit by R & P Morey.

The proposal involves retrospective approval for extraction and screening of up to 20,000 cubic meters per year of sand and sandy topsoil on a large agricultural property off Shark Point Road at Penna. Aeolian sand deposits will be excavated and carted to a storage and handling area for screening and transport to external clients.

This report has been prepared based on information provided in the permit application, correspondence and the Environmental Effects & Planning Report (EEPR). Relevant government agencies and the public were consulted and their submissions, representations and comments considered as part of the assessment.

Further details of the assessment process are presented in section 1 of this report. Section 2 describes the statutory objectives and principles underpinning the assessment. Details of the proposal are provided in section 3. Section 4 reviews the need for the proposal and considers the alternatives. Section 5 summarises the public and agency consultation process and the key issues raised in that process. The detailed evaluation of environmental issues is contained in section 6. Other issues are discussed in section 7. The report conclusions are contained in section 8.

Appendix 1 describes matters raised by the public and referral agencies during the consultation process. Appendix 2 contains the environmental permit conditions for the proposal.
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1 Approval Process

An application for a permit under the *Land Use Planning and Approvals Act 1993* (LUPA Act) for the proposal was submitted to Sorell Council on 28 May 2018.

The proposal is defined as a ‘level 2 activity’ under clauses 5(b) and 6(a)(ii), schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPC Act), being the extraction and screening of sand products.

Section 25(1) of the EMPC Act required Council to refer the application to the Board of the Environment Protection Authority (the Board) for assessment under the Act. The application was received by the Board on 14 June 2018.

The assessment has been undertaken by the Director, Environment Protection Authority under delegation from the Board.

The Board required that information to support the proposal be provided in the form of an Environmental Effects Report (EER) prepared in accordance with guidelines issued on 13 August 2018. This was provided by the proponent as a combined Environmental Effects and Planning Report (EEPR).

Several drafts of the EEPR were submitted to EPA Tasmania for review against the guidelines before it was finalised. The EEPR was released for public inspection for a 14-day period commencing on 1st November 2018. An advertisement was placed in *The Mercury* and on the EPA website. The EEPR was also referred to relevant government agencies for comment. Eight representations were received.
2 SD Objectives and EIA Principles

The proposal must be considered by the Board in the context of the objectives of the Resource Management and Planning System of Tasmania (RMPS), and in the context of the objectives of the Environmental Management and Pollution Control System (EMPCS) (both sets of objectives are specified in Schedule 1 the EMPC Act). The functions of the Board are to administer and enforce the provisions of the Act, and in particular to use its best endeavours to further the RMPS and EMPCS objectives.

The Board must assess the proposal in accordance with the Environmental Impact Assessment Principles defined in Section 74 of the EMPC Act.

The assessment has been undertaken by the Director, Environment Protection Authority under delegation from the Board.
The main characteristics of the proposal are summarised in Table 1. A detailed description of the proposal is provided in Section A of the EEPR.

Table 1: Summary of the proposal’s main characteristics

<table>
<thead>
<tr>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extraction and screening of a maximum of 20,000 cubic metres of sand per annum.</td>
</tr>
<tr>
<td>20,000 cubic meters is considered to be equivalent to 32,000 tonnes of sand per annum, as defined in the permit definitions.</td>
</tr>
<tr>
<td>According to the EEPR a conversion factor of 1.6 applies to the excavated material (i.e. 1 cubic meter is equal to 1.6 tonnes of excavated material). This conversion factor of 1.6 is based on the figure provided by Mineral Resources Tasmania in its quarterly Mineral Production Return form.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location and planning context</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
</tr>
<tr>
<td>Land zoning</td>
</tr>
<tr>
<td>Land tenure</td>
</tr>
<tr>
<td>Mining lease</td>
</tr>
<tr>
<td>Lease area</td>
</tr>
<tr>
<td>Bond</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>Topography</td>
</tr>
<tr>
<td>Geology</td>
</tr>
<tr>
<td>Soils</td>
</tr>
<tr>
<td>Hydrology</td>
</tr>
<tr>
<td>Natural Values</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate</td>
</tr>
<tr>
<td>Surrounding land zoning, tenure and uses</td>
</tr>
<tr>
<td>Species of conservation significance</td>
</tr>
<tr>
<td>-------------------------------------</td>
</tr>
</tbody>
</table>

**Proposed infrastructure**

<table>
<thead>
<tr>
<th>Major equipment</th>
<th>Zaxis 200 excavator, Hitachi AH250 dump truck, two Scorpion (incl. hopper and grizzly) screens and 30 tonne trucks to cart product offsite.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other infrastructure</td>
<td>Sediment retention pond and associated drains.</td>
</tr>
</tbody>
</table>

**Inputs**

<table>
<thead>
<tr>
<th>Water</th>
<th>Water for dust suppression.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>Diesel fuel to power onsite machinery.</td>
</tr>
<tr>
<td>Other raw materials</td>
<td>Small quantities of machinery maintenance materials (e.g. grease and hydraulic fluids).</td>
</tr>
</tbody>
</table>

**Wastes and emissions**

<table>
<thead>
<tr>
<th>Liquid</th>
<th>Stormwater runoff from extraction and stockpile areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atmospheric</td>
<td>Dust from internal and external roads and from the storage and handling area (screening, stockpiles, loading of materials, vehicle movements).</td>
</tr>
<tr>
<td>Solid</td>
<td>General refuse including food scraps, paper and packaging. Machinery servicing wastes such as oil filters and worn tires may be produced.</td>
</tr>
<tr>
<td>Controlled wastes</td>
<td>Used waste engine oil and hydraulic fluids.</td>
</tr>
<tr>
<td>Noise</td>
<td>From screening equipment, excavator onsite, and vehicles onsite and going to and from the site.</td>
</tr>
<tr>
<td>Greenhouse gases</td>
<td>Onsite machinery will emit greenhouse gases during operation.</td>
</tr>
</tbody>
</table>

**Construction, commissioning and operations**

<table>
<thead>
<tr>
<th>Proposal timetable</th>
<th>The activity is already operating at the proposed level and is seeking retrospective approval. No construction or commissioning phase is required if a permit is granted by the Sorell Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating hours (ongoing)</td>
<td>0700 to 1900 hours Monday to Friday 0800 to 1600 hours Saturday</td>
</tr>
</tbody>
</table>
Figure 1. Site location plan
Figure 2. The Land (coordinates are provided in Attachment 4 of the EEPR)
Figure 3. Mine Plan – Showing the 5 year extraction plan
Figure 4. Mine Plan – Showing the existing storage and handling area, including the sediment pond.
4 Need for the Proposal and Alternatives

The EEPR states sand extraction commenced in 1987 with a development application approved by the Municipality of Richmond and Mining Lease No. 1297P/M established over 400 ha by the then Mines Department. The then Department of the Environment required a basic environmental impact document but not a license to operate.

The EEPR also notes that sand resources of the quality and quantity that can be utilised as an extractive industry, like that of Flexmore Park, are rare around Hobart. Many have been zoned or reserved as a land use class that excludes mineral extraction or they have become sterilised (in part or entirely) through the encroachment of residential use (i.e. sensitive developments). This resource is of critical importance to the ongoing supply of high quality, reasonably priced sand to the southern region of Tasmania.

The EEPR states that, in addition to providing a source of income, sand extraction facilitates farm operations by:

- Creating water storage areas;
- Levelling the topography, providing more efficient irrigation of the land; and
- Creating more productive land for agriculture by accessing more productive soils underneath the sand.

The EEPR claims that under progressive management, the development of the farm has the potential to continue at a manageable and sustainable pace. The property location favours the integration of farm development with sand extraction due to proximity to a market for sand (i.e. lower transport costs) but benefits from its relative isolation by a long boundary with Pitt Water, Pontos Hills to the east and the absence of public road frontages and residential developments.
5 Public and Agency Consultation

A summary of the public representations and government agency/body submissions is contained in Appendix 1 of this report.

Eight public representations were received. The main issues raised in the representations included:

- Potential impacts on the Pitt Water – Orielton Lagoon Ramsar Site.
- Lack of referral to the Commonwealth Government for assessment of potential impacts to the Ramsar Wetland under the EPBC Act.
- Potential impacts of increased traffic along Shark Point Road (noise, safety, road condition)
- Removal and sale of topsoil
- Potential for impacts on Aboriginal heritage
- Spreading of biosolids on the land
- Potential for disturbance of acid sulfate soils

The EEPR was referred to the following government agencies/bodies with potential interest in the proposal:

- Mineral Resources Tasmania

The following Divisions/areas of the Department of Primary Industries, Parks, Water and Environment also provided advice on the EEPR:

- Regulator, EPA Tasmania
- Noise Specialist, EPA Tasmania
- Water Specialist, EPA Tasmania
- Policy and Conservation Advice Branch
- Aboriginal Heritage Tasmania
- Biosecurity Tasmania
- Parks and Wildlife Tasmania
- Water and Marine Resources
6 Evaluation of Environmental Issues

EPA Tasmania has evaluated environmental issues considered relevant to the proposal. Details of this evaluation, along with the permit conditions required by the Board, are discussed below:

The following issues are discussed:

1. Noise emissions
2. Surface water, groundwater and drainage
3. Air emissions
4. Natural values and weed / disease management
5. Hazardous substances / chemicals and waste management
6. Acid sulfate soils
7. Decommissioning and rehabilitation

General conditions

The following general conditions will be imposed on the activity:

- **G1** – Access to and awareness of conditions and associated documents
- **G2** – Incident response
- **G3** – No change without approval
- **G4** – Change of responsibility
- **G5** – Change of ownership
- **G6** – Complaints register
- **G7** – Quarry Code of Practice
### Issue 1: Noise emissions

#### Description of potential impacts
Noise will be generated by the activity, including from trucks entering and leaving the site, loading trucks with product, screening material, use of the excavator during extraction, and trucks transporting materials from the extraction point to the storage and handling area. If not managed appropriately, noise emissions from the activity have the potential to cause environmental nuisance to nearby sensitive receptors.

#### Management measures proposed in EEPR
Commitment 4 in the EEPR states the sand extraction activity will operate between the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours to 1600 hours on Saturday, with no sand extraction activities on Sunday or public holidays.

The EEPR states that noise emissions from the activity are likely to be acceptable for the following reasons:
- Machinery is well maintained to minimise risk of generating excessive noise emissions;
- Operating hours are those in Table 1 of the EEPR; and
- The nearest sensitive receptor is more than 620m to a sand extraction area and 930m to the storage and handling area and is located on the other side of a ridgeline.

The EEPR states that noise emissions should not impact bird species utilising the Pitt Water – Orielton Lagoon Ramsar Site (the Ramsar Wetland) as the site occurs within the flight path of the Hobart International Airport which is already a significant noise source near the site.

#### Public and agency comment
All representations raised concerns about the potential noise impacts the activity may have on bird species using the Ramsar Wetland.

One representor noted that residents have experienced trucks entering and leaving the site on Saturdays and Sundays over the years, and that other truck movements have not been included in the vehicle movements summary (e.g. biosolid deliveries, fuel, chemicals etc.).

Six representors raised concerns about truck movements past their residences located along Shark Point Road.

The Tasmanian Parks and Wildlife Service (PWS) raised concerns about the statement in the EEPR that it is ‘unlikely that noise from the activity will affect marine and migratory birds…’ and suggested further justification was required as flightpath noise is not directly comparable to that of machinery movement and noise.

PWS also noted that there are recorded resident shorebird breeding areas and migratory bird species roosting and feeding areas directly adjacent to the proposed development and that noise could potentially impact feeding and breeding success.

PWS recommended that the proponent seek specialist advice to confirm whether the proposed activity is likely to amount to a significant impact on migratory bird species listed under the EPBC Act.

#### Evaluation
While the EEPR’s claim related to distances to sensitive receptors is accurate for the proposed 5 year extraction plan and the storage and handling area, the EEPR also states that anywhere within the Land, as shown in Figure 2, may be extracted in the future. The closest sensitive receptor to a sand extraction area could be located approximately 250m to the south east of the Land, which is less than the standard recommended attenuation distance in the QCoP of 300m.
The EPA’s noise specialist notes that the topography between the Land and the nearest residence is favourable for noise attenuation (i.e. in a shallow saddle between two hillocks, mostly blocked from line of sight to the south eastern excavation area). However, given the proximity to the residence, it is considered appropriate to impose conditions to ensure the Director, EPA can require a noise survey and appropriate mitigation measures to be implemented should any noise related complaints be received.

Condition N1 sets noise limits that must not be exceeded at a sensitive receptor. N3 states that a noise survey must be carried out at such time as may be reasonably required by the Director, and N4 sets out the noise survey method and reporting requirements if a survey is required by the Director.

Many of the representations raised concerns related to truck movements and the associated noise impacts which may affect their residences. Condition N5 ensures that all activities associated with the sand extraction and processing, including vehicle movements within, into and out of the Land, are confined to the standard acceptable hours of operation specified in the QCoP. Should residents suspect truck movements related to the extractive activity are occurring outside of the specified hours they may make a complaint that must be recorded in the complaints register (G6) and reported to the Director within 24 hours of being received (N2).

Representations also raised concerns related to potential noise impacts on bird species using the Ramsar Wetland / Pitt Water Nature Reserve.

PWS raised concerns that the justification used in the EEPR was not directly comparable to potential noise impacts arising from the excavator and the truck transporting the extracted material from the extraction sites to the storage and handling area (i.e. it is beneath the flight path to the Hobart Airport).

It is noted that the property has hosted agricultural activities for some time, at points much closer to the shorelines than the proposed extraction areas. It is considered that the noise emissions from one excavator and one truck are likely comparable to the noise emissions generated from agricultural activities, for example, tractors working the land, the centre pivot irrigator running and moving near the shoreline and the extraction activities that have previously occurred.

It is considered likely that resident shorebirds will have built up resilience to noise impacts from the Land due to the agricultural and extractive activities already undertaken on the property and that a single excavator and truck will not significantly add to the noise emissions generated. Similarly, migratory birds choose to use the area with the agricultural and extractive activities already taking place.

Specialist comment regarding noise impacts on the Ramsar Wetland / Pitt Water Nature Reserve have not been able to be obtained.

EPA requested further information from PWS regarding specific species and locations of resident shorebird nesting areas, the specific times they may be most sensitive to noise emissions and what buffer distance would be considered acceptable. No further comment was able to be obtained from PWS.
Conclusion

The proponent will be required to comply with the following conditions:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>N1</td>
<td>Noise emission limits</td>
</tr>
<tr>
<td>N2</td>
<td>Noise complaints</td>
</tr>
<tr>
<td>N3</td>
<td>Noise survey requirements</td>
</tr>
<tr>
<td>N4</td>
<td>Noise survey method and reporting</td>
</tr>
<tr>
<td>N5</td>
<td>Operating hours</td>
</tr>
<tr>
<td>G6</td>
<td>Complaints register</td>
</tr>
</tbody>
</table>

The Ramsar Convention on Wetlands of International Importance is an international treaty for the conservation and sustainable use of wetlands. Under the Ramsar Convention a List of Wetlands of International Importance is maintained. To be included on the list, a wetland must satisfy one or more of the Ramsar Criteria. The Pitt Water – Orielton Lagoon Ramsar Site meets 5 of the 9 criteria and was declared a Ramsar Site in 1982.

Any reference in this document to Ramsar Wetland, relates to the Pitt Water – Orielton Lagoon Ramsar Site listed under the Ramsar Convention.

The EPBC Act contains requirements for approval of activities with a significant impact on a declared Ramsar Site (Section 16).

<table>
<thead>
<tr>
<th><strong>Issue 2: Surface water, groundwater and drainage</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description of potential impacts</strong></td>
</tr>
<tr>
<td>During storm events there is potential for uncontained stormwater runoff to carry sediments offsite if not managed appropriately. Uncontrolled discharge of stormwater has the potential to impact wildlife and water quality within the Ramsar Wetland. In addition, the proposal has the potential to modify the environmental flows into the Ramsar Wetland from the Land.</td>
</tr>
<tr>
<td><strong>Management measures proposed in EEPR</strong></td>
</tr>
<tr>
<td>The EEPR states that a sediment pond will be located within the storage and handling area, as shown in Figure 4. All water from the storage and handling area is captured in the sediment pond and directed via a pipe to an existing channel from which water can be pumped to irrigation areas. The EEPR also states that as part of farm practices, water runoff from the Pontos Hills is retained and does not reach the Ramsar Wetland due to 1.5 km of contour channelling directed to dams. The EEPR notes that extraction areas will therefore not receive external flows and that localised sediment movement associated with direct rainfall will be captured by surrounding pastures.</td>
</tr>
<tr>
<td><strong>Public and agency comment</strong></td>
</tr>
<tr>
<td>All representors raised concerns about water flows off Pontos Hills not being able to flow naturally into the Ramsar Wetland. PWS raised concerns about the proposed management of stormwater on the Land and whether appropriate measures are in place to reduce the likelihood of sediments and/or nutrients flowing into the Pitt Water Nature Reserve / Ramsar Wetland. PWS suggested more information was needed in relation to stormwater management. PWS also raised concerns about the potential for encountering ASS when recovering sediments form the sediment pond. The Water Operations Branch noted that the construction of new dams is regulated under the Water Management Act 1999 and that the proponent must be aware of their obligations under the Act if any dams are to be constructed onsite.</td>
</tr>
</tbody>
</table>
Evaluation

The mining lease (1297 P/M) covers approximately 435ha. The Land covers a smaller portion of the mining lease, as shown in Attachment 2. The site gradually rises up to the base of Mount Lord and the Pontos Hills range to the east and north east of the Land.

Given the existing farming activities that take place over the entire property, the land between Pontos Hills and the Ramsar Wetland is already highly modified. The EEPR states that all stormwater flows off the Pontos Hills are currently captured as a farm resource by a 1.5km network of contour channels and directed to onsite dams for use in irrigation of crops. This means that the only potential ‘environmental flows’ are from direct rainfall on the lower flats where sand extraction may occur, or from irrigation runoff.

Advice from PWS indicates one of the main concerns related to the Pitt Water Nature Reserve - Ramsar Wetland is the appropriate management of stormwater to reduce the potential for offsite movement of sediments and nutrients into the marine environment, not the maintenance of already highly modified ‘environmental flows’.

In addition, the EPA’s water specialist indicated that the catchment area of the Land compared to that of the Ramsar Wetland is quite small and is not considered likely to pose a significant risk to the Ramsar Wetland in the event that water did flow off the Land.

While the EEPR claims that no stormwater will flow offsite, it is considered appropriate to impose conditions E1 and E3 to ensure that any sediment entrained in stormwater does not leave the Land, without first being appropriately treated. These conditions allow the Director to require additional management measures to be implemented to manage stormwater should runoff from the extraction areas or storage and handling area cause environmental harm or nuisance.

Figure 4 shows the proposed water management infrastructure at the storage and handling area, with drains and a sediment pond being proposed. The EEPR states that any water flowing out of the sediment pond reports to a drain that can be pumped out for irrigation purposes. Condition E2 requires that the sediment pond be maintained appropriately to ensure its effectiveness. The measures proposed in the EEPR are supported. In addition, PWS raised concerns about ASS when recovering sediments form the sediment pond, conditions are imposed to manage ASS, refer to Issue 6 below for further discussion.

Conclusion

The proponent will be required to comply with the following conditions:

- **E1** Perimeter drains or bunds
- **E2** Maintenance of settling ponds
- **E3** Stormwater
### Issue 3: Air emissions

#### Description of potential impacts

Potential sources of air emissions from the proposed activity include dust resulting from:

- Gravel tracks used onsite to access extraction areas and the handling area;
- Removal of vegetation and top soils;
- Excavation of soil and sand;
- Screening of materials; and
- Stockpiling and loading of sand and topsoil.

Dust emissions from the Land have the potential to cause environmental nuisance to surrounding sensitive users and the Ramsar Wetland if not managed appropriately.

Vehicles and equipment used onsite will also emit greenhouse gasses.

#### Management measures proposed in EEPR

The EEPR states that during dry weather, water from the sediment pond or onsite water cart truck will be used to dampen roads, areas near the stockpiles and the loads in trucks, unless they are using tarpaulin covers.

#### Public and agency comment

All public representations raised the issue of potential impact of dust emissions on the Ramsar Wetland.

#### Evaluation

The proposed mitigation measures are supported. To support the effective management of dust, condition A2 is imposed to require any vehicles leaving the site which may contain materials that could blow or spill to be equipped with an effective control measure to prevent the escape of material from the vehicle.

Advice from the EPA’s water specialist notes that the amount of sediments (dust or water borne) that may potentially enter the Ramsar Wetland are considered to be insignificant when compared to the catchment area of the Ramsar Wetland and is not considered likely to cause environmental harm. However, given the sandy and exposed nature of the substrate, there remains the potential for windy conditions to result in significant quantities of dust being blown from the site. Therefore, condition A1 is imposed to require that dust emissions from the Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of the Land.

Crushing and screening are considered the component of the activity most likely to generate dust. Condition A3 specifies measures to control such emissions to the extent necessary to prevent environmental nuisance.

If environmental nuisance was suspected, the Director could then impose further mitigation measures on the proponent to control dust emissions from the activity.

It should be noted that the Land hosts a working farm in conjunction with the proposed extraction of sand and that the permit cannot impose conditions on the management of dust emissions arising from farming practices.

The imposed conditions along with the proponent’s commitments are considered sufficient to mitigate the potential for environmental nuisance to occur from air emissions.
### Conclusion

The proponent will be required to comply with the following conditions:

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Control of dust emissions</td>
</tr>
<tr>
<td>A2</td>
<td>Covering of vehicles</td>
</tr>
<tr>
<td>A3</td>
<td>Control of dust emissions from plant</td>
</tr>
</tbody>
</table>
### Issue 4: Natural values and weed / disease management

**Description of potential impacts**

If the activity is not managed appropriately it has the potential to impact on flora and fauna species, the Pitt Water Nature Reserve and the Pitt Water – Orielton Lagoon Ramsar Site through physical disturbance, sediment emissions (water and air-borne) and visual / noise disturbance. In addition, vehicle movements on and offsite have the potential to spread weeds and diseases if not managed appropriately.

**Management measures proposed in EEPR**

The EEPR states that no native vegetation will be cleared as part of the proposal and that no threatened flora was identified in the Natural Values Atlas or during field surveys in 2017. It also states that no mammal dens or other threatened fauna species were recorded within the Land during site surveys.

The EEPR notes that weeds (Californian thistle and boxthorn) are present on the Land and that they are managed through a weed spraying program as part of the agricultural activities onsite.

Commitment 1 states that weed management checks and control activity will occur regularly and that weeds on the quarry site and along the private access road will be managed so that sightings of ‘declared weeds’ as listed under the Tasmanian Weed Management Act 1999 will be treated and/or removed in accordance with the recommended control guide adopted by DPIPWE.

**Public and agency comment**

One representor questioned how the activity is managed when the property bounds two municipalities (i.e. how impacts from the land are managed given they are not within the Sorell Council’s municipality).

All nine representors raised concerns regarding the potential environmental impact of the activity on the Ramsar Wetland, including environmental flows off Pontos Hills being modified, impacts of noise and movement of machinery on birds, not seeking Commonwealth input on the proposal, the use of biosolids close to a waterway and wind-swept sand entering the waterway.

PCAB indicated there are no records of threatened flora or fauna listed under the Threatened Species Protection Act 1995 within 500m of the proposed activity and that the activity is unlikely to impact on threatened species.

PCAB also supported the implementation of a weed management program in accordance with the Weed and Disease Planning and Hygiene Guidelines – Preventing the spread of weeds and diseases in Tasmania.

In addition PCAB noted the mining lease is adjacent to the Ramsar Wetland, which is protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. PCAB recommended the proponent be aware of their obligations under the Act in relation to the Ramsar Wetland and listed migratory bird species.

**Evaluation**

No specific conditions are considered necessary in relation to threatened flora and fauna species. The weed and disease management measures proposed by the proponent are supported, in particular the management of weeds and diseases in accordance with the DPIPWE Weed and Disease Planning and Hygiene Guidelines – Preventing the spread of weeds and diseases in Tasmania. In acknowledging that the farming and extractive activities are closely linked, it is recognised that management of weeds is an integral part of a productive farm. It is considered that imposing
condition **OP1** to require that the Land be kept substantially free of weeds is sufficient to ensure weeds are not spread from the Land, including to the Ramsar Wetland.

The application relates to land entirely within Sorell Council. Conditions can only be imposed on the Land, however, those conditions will manage any potential for offsite impacts. The EPA will be the regulator of the activity and should any offsite impacts be reported, the EPA will liaise with the Sorell and Clarence City Councils to manage the issue appropriately.

Potential offsite impacts on natural values are considered by the Board, taking into account the potential receptors and values involved. As discussed above, issues of dust and water quality have been considered in regard to impacts on the Ramsar Wetland / Pitt Water Nature Reserve. See **Issue 1** above for further discussion on noise impacts related to wildlife.

It is noted that the extraction of sand co-occurs with farming activities on the Land and that potential impacts from farm related practices cannot be regulated by the EPA. In addition, the extraction of sand has been occurring for some time at the site, and the current application defines the Land as being set back from the coastline at least 80m, providing a buffer to physical disturbance of any migratory bird species.

It is considered that with the conditions imposed in the permit, the risk of environmental harm occurring to the Ramsar Wetland or migratory bird species is low.

**Conclusion**

The proponent will be required to comply with the following condition:

**OP1  Weed Management**
### Issue 5: Hazardous substances / chemicals and waste management

#### Description of potential impacts

Diesel fuel will be brought onsite in a mobile 100 litre tank mounted on a trailer to refill machinery as required. Minor repairs may include handling oils and other hazardous substances. Refilling and maintenance activities have the potential to result in spills of hazardous substances and contaminate soil, surface water or groundwater. Some general wastes will be produced (e.g. lunch wrappers, grease tubes) during operations that have potential to cause environmental nuisance.

#### Management measures proposed in EEPR

Commitment 2 – Fuel and other hazardous materials or dangerous goods will not be stored onsite except for a small amount of fuel during the day. Some materials will also be stored onsite during short term mechanical repairs.

Commitment 3 – Mobile mechanical repairs will be completed in a way that contains all liquid and solid waste which will be removed from the site and disposed of at an approved waste facility. The EEPR states that a spill kit will be stored at the storage and handling site and that the workers will be trained how to use it in the event of a spill.

The EEPR also states that any major repairs to plant and equipment will be completed offsite in an appropriately equipped workshop.

The EEPR states general wastes will be removed offsite each day.

#### Public and agency comment

No public or agency comments were received in relation to hazardous substances and chemicals or waste management.

#### Evaluation

The relatively small quantities of hazardous substances that will be used onsite are considered unlikely to result in a significant spill that may cause environmental harm. The proposed mitigation measures are supported. Conditions H1, H2 and H3 are imposed to ensure appropriate measures are undertaken to prevent or manage spills of hazardous substances. The conditions require the proponent to have onsite hazardous substances appropriately bunded (H1) and to require all reasonable measures to prevent unauthorised discharge, emission or deposition of pollutants to soils, groundwater, waterways or beyond the boundary of the Land (H3). In addition the proponent is required to have a spill kit stored onsite (H2).

With the imposed conditions and the proponent’s commitments, environmental harm from hazardous substances is considered unlikely to occur from the activity.

The EEPR indicates that only very small quantities of waste will be produced by the activity and will be removed each day in accordance with best practice. This approach is supported and no specific conditions are considered necessary in relation to waste management.
### Conclusion

The proponent will be required to comply with the following conditions:

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<tbody>
<tr>
<td><strong>H1</strong></td>
<td><strong>Storage and handling of hazardous materials</strong></td>
</tr>
<tr>
<td><strong>H2</strong></td>
<td><strong>Spill kits</strong></td>
</tr>
<tr>
<td><strong>H3</strong></td>
<td><strong>Handling of hazardous materials – mobile</strong></td>
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</tbody>
</table>

The proponent is made aware of their legislative requirements for the storage and handling of dangerous goods and substances in **LO2**.

The proponent’s attention is also brought to **OII** which outlines the best practice waste management hierarchy.
### Issue 6: Acid sulfate soils

#### Description of potential impacts

Environmental harm may occur if acid sulfate soils (ASS) are encountered during extraction of materials and are not managed appropriately. Potential impacts include contamination of onsite and offsite water bodies, erosion of soils, odour impacts and impacts on wildlife.

#### Management measures proposed in EEPR

The EEPR states that during historic operations, no ASS have been encountered and are not expected to occur during continuing operations as only the aeolian sands are being removed and not the underlying materials.

Commitment 6 of the EEPR states that the *Acid Sulfate Soils – Indicators for Field Operators* (DPIPWE(a), December 2009) will be consulted by the operator and that management measures may include those described in the *Tasmanian Acid Sulfate Soil Management Guidelines* (DPIPWE(b), 2009).

#### Public and agency comment

One representor raised concerns about the potential for high rainfall events in conjunction with sand mining activities to disturb ASS.

PCAB recommended that the proponent be aware of how to identify potential acid sulfate soils (DPIPWE(a), 2009) and that mining operations should be undertaken in accordance with the *Tasmanian Acid Sulfate Soil Management Guidelines* (DPIPWE(b), 2009).

#### Evaluation

The proponent has excluded from their application areas of land mapped on the LISTmap as having a high probability of ASS (>70%). Much of the Land is mapped as low ASS probability. However, it is noted that 'low probability' includes 6% to 70% probability, and so does not exclude the possibility that ASS could still be encountered during excavation. It is important for the operator to understand ASS and the indicators to look for during excavation to prevent large scale disturbance of ASS, which may lead to production of acid drainage and impacts on water quality and wildlife, as well as causing nuisance odours.

PCAB has recommended that the proponent be required to operate in accordance with the ASS Guidelines.

The mitigation measures proposed in the EEPR are supported.

While the likelihood of encountering ASS is considered low, the potential impacts if ASS are encountered and not managed appropriately have potential to cause environmental harm. Therefore, it is considered appropriate to require the proponent to undertake the activity in accordance with the ASS Guidelines as detailed in condition **OP2**. This condition allows the Director to require various management measures to be implemented, including development of an ASS Management Plan in the event ASS is encountered during extraction.

If the activity is undertaken in accordance with the EEPR and the above condition, the risk to the environment is considered to be low.

#### Conclusion

The proponent will be required to comply with the following condition:

**OP2  Acid Sulfate Soils**
### Issue 7: Decommissioning and rehabilitation

#### Description of potential impacts

If the site is not adequately rehabilitated following permanent cessation of the activity, there is potential for environmental harm to occur. Potential impacts include uncontrolled dust emissions, uncontrolled erosion and movement of sediments offsite which may impact nearby water bodies.

#### Management measures proposed in EEPR

The EEPR states that progressive rehabilitation (into land suitable for agriculture) will occur as part of the activity and that the mining lease currently allows an open area of no more than 6 hectares. Agricultural improvements include establishing water storages / water collection channels, land levelling and irrigation development.

The EEPR also states that on permanent cessation of extraction activities all operational areas will be brought to their planned completion as outlined in section D.16.2 of the EEPR in joint agreement between the landowner, Mineral Resources Tasmania and EPA.

#### Public and agency comment

One representor was concerned about the proposed removal and sale of top soils and subsequent spreading of biosolids on the site as part of farm improvements.

#### Evaluation

The activity co-occurs with agricultural activities and the extraction in part forms land improvements for agricultural uses.

The removal and sale of top soils is generally not considered best practice. The EEPR presents a case that the existing top soils are of poor quality for agricultural use and highly erodible once disturbed. It states that removal of top soil and sand creates a level ground surface with a better clay / sand mix that retains water and nutrients better. In view of this, the standard condition requiring stockpiling of top soils is not imposed.

The proposed rehabilitation measures outlined in the EEPR are generally supported. The standard suite of rehabilitation conditions is imposed (DC1, DC2, DC3 and DC4) to ensure that an appropriate level of rehabilitation occurs once the activity ceases extraction. However, DC3 and DC4 have been amended to remove the requirement for top soil to be retained for rehabilitation purposes.

It should be noted that the construction of dams is managed under the Water Management Act 1999. The proponent must make themselves aware of their legal obligations under the Act if creating any water storages onsite.

The application of biosolids to land does not form part of this application and has not been assessed by the Board. The application of biosolids to land may constitute a Level 2 Activity under Schedule 2 of the Environmental Management and Pollution Control Act 1994. The proponent has been reminded that should their actions exceed the quantity thresholds specified in Schedule 2 of EMPCA, they will need to seek the appropriate approvals to apply biosolids to land.

#### Conclusion

The proponent will be required to comply with the following conditions:

- **DC1** Notification of cessation
- **DC2** Temporary suspension of activity
- **DC3** Progressive rehabilitation
- **DC4** Rehabilitation on cessation
7 Other Issues

The following issues have been raised during the assessment process and are discussed briefly here. These are issues which are not the Board’s responsibility under the EMPC Act, or issues which are more appropriately addressed by another regulatory agency.

1. Traffic impacts
2. Aboriginal heritage
3. Ramsar sites

1. Traffic impacts

The impact of additional vehicles resulting from the activity on the road network is an issue considered by the Sorell Council in its assessment of planning matters.

Nevertheless, the Board considers several aspects related to traffic, notably dust and noise emissions on the Land. Discussion around these issues can be found above under Issues 1 and 3 respectively. A number of conditions are imposed to deal with certain aspects of these issues, including:

- G6 – Maintaining a complaints register;
- A2 – Covering of vehicles; and
- N2 – Noise complaints.
- N5 – Restricting operating hours and days.

The EEPR states that the demand for sand will not require intensive ‘campaigns’, but require a small but regular supply to meet demand. The EEPR claims that between 10 and 14 truck movements will occur each working day, with an additional four light vehicle movements per day.

The EEPR states that due to the low vehicle movements and operation in accordance with the QCoP recommended operating days/hours they do not propose any further management measures.

2. Aboriginal heritage

The EER guidelines were referred to Aboriginal Heritage Tasmania (AHT) for comment and their response on 12 July 2018 is provided below. On 13 August 2018 the proponent was provided with a copy of AHT’s below email and the Unanticipated Discovery Plan.

The Board has assumed that the proponent will comply with the Aboriginal Heritage Act 1975 and liaise directly with AHT regarding the findings of the investigation. Nevertheless, AHT will be notified of the Board’s decision related to the environmental assessment of the application.

“Aboriginal Heritage Tasmania (AHT) has completed a search of the Aboriginal Heritage Register (AHR) regarding the proposed Flexmore Park sand extraction at 716 Shark Point Rd, Penna (Mining Lease 1297P/M), and can advise that:

There is one Aboriginal heritage site recorded within the property (at Horatio Point), consisting of a shell midden with an associated artefact scatter (AH614); however, due to the age of the recording (1981) details regarding the size and extent of the site were not provided to AHT. Given that one of the proposed sand extraction areas lies close to Horatio Point, and the recorded location of AH614, AHT advise that an Aboriginal heritage investigation is required to identify whether the proposed project or related infrastructure
will impact on the site and to offer mitigation advice. This investigation must be undertaken jointly by a Consulting Archaeologist and Aboriginal Heritage Officer.

The remainder of the project area, moreover, being close to the Coal River and Pitt Water (known culturally rich areas) is considered to have an increased potential for further unrecorded Aboriginal heritage. Therefore the absence of previously recorded sites on the AHR cannot be taken as an indication that there are no Aboriginal sites present, as the area has never been surveyed.

Recognising that parts of the property are presently being utilized for sand mining, AHT advise that existing extraction points may continue to be utilized, provided that all works are guided by the attached Unanticipated Discovery Plan. If at any point Aboriginal heritage is suspected, works must stop, and AHT must be contacted for further advice. In regards to any proposed new extraction points, however, AHT advise that an Aboriginal heritage investigation is required to identify whether the proposed project or related infrastructure will impact on Aboriginal heritage and to offer mitigation advice. This investigation must be undertaken jointly by a Consulting Archaeologist and Aboriginal Heritage Officer.

AHT does not provide recommendations as to the use of a particular heritage practitioner; however to assist you in engaging a consultant, a Register of Consulting Archaeologists and an Aboriginal Heritage Officer Contact List containing the names and contact details of consultants who are prepared to work in Tasmania, can be found on AHT’s website www.aboriginalheritage.tas.gov.au.

Please be aware that all Aboriginal heritage investigations throughout Tasmania must meet AHT’s Aboriginal Heritage Standards and Procedures. A copy of the Standards and Procedures and further relevant information regarding the Aboriginal heritage assessment process can be found on AHT’s website www.aboriginalheritage.tas.gov.au. Any assessment that does not meet the Aboriginal Heritage Standards and Procedures will be deemed unacceptable and returned. An unacceptable investigation or report will not be able to form the basis for a request for a permit under the Aboriginal Heritage Act 1975. It is the proponent’s responsibility to ensure that the consultant they engage is able to follow the guide. It is therefore strongly advised that the proponent seek referee reports on the capacity of the consultant to do the work required.

Once the Aboriginal heritage investigation has been completed, a copy of the report must be forwarded to AHT for review/comment.

3. Pitt Water – Orielton Lagoon Ramsar Site

It is understood that the proponent has not and does not intend to submit the proposal to the Commonwealth Government for assessment against the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) in relation to potential impacts on the Pitt Water – Orielton Ramsar Site and listed migratory bird species.

On 13 August 2018 the proponent was issued EER Guidelines and Agency comments on the referred Development Application. The Guidelines noted that PCAB recommended that as the proposal was adjacent to a Ramsar Wetland, protected under the EPBC Act, the proponent make themselves aware of their obligations under the EPBC Act.

The proponent subsequently responded to these comments on 7 October 2018 stating that:

- “There is a Ramsar Wetland site adjacent to the Mining Lease”;
- “There will be no impact to the Ramsar Wetland”;
- “Some words are provided in the ‘Marine Areas’ section of the EEPR”; and
• “The applicant is not required by law to provide any details in the EEPR as to whether they will refer the action under the EPBC Act”.

Conditions will be imposed on the activity as proposed in the application to limit the likelihood of any offsite impacts occurring. It is considered that the conditions imposed will adequately minimise the potential for adverse impacts on the Ramsar Wetland.
8 Report Conclusions

This assessment has been based on the information provided by the proponent, R & P Morey, in the permit application, the case for assessment (the EEPR) and Additional Information.

This report incorporates specialist advice provided by EPA Tasmania scientific specialists and regulatory staff, other Divisions of DPIPWE and other government agencies, and has considered issues raised in public submissions.

It is concluded that:

1. the RMPS and EMPCS objectives have been duly and properly pursued in the assessment of the proposal;

2. the assessment of the proposed activity has been undertaken in accordance with the Environmental Impact Assessment Principles; and

3. the proposed activity is capable of being managed in an environmentally acceptable manner such that it is unlikely that the objectives of the Environmental Management and Pollution Control Act 1994 (the RMPS and EMPCS objectives) would be compromised, provided that the Permit Conditions – Environmental No. 9967 appended to this report are imposed and duly complied with / the environment protection notice/ the environmental licence appended to this report is issued and served and its requirements are duly complied with.

The environmental conditions appended to this report are a new set of operating conditions for the entire, intensified activity that will supersede the existing permit conditions.
Environmental Assessment Report and conclusions, including environmental conditions, adopted:

Wes Ford
DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY
Acting under delegation from the Board of the Environment Protection Authority

Date: 25th March 2019
10 References

Department of Primary Industries, Parks, Water and Environment ((DPIPWE(a)) – Acid Sulfate Soils – Indicators for Field Operators, dated December 2009.

Department of Primary Industries, Parks, Water and Environment ((DPIPWE(b)) – Tasmanian Acid Sulfate Soil Management Guidelines, dated December 2009.

Appendices

Appendix 1  Summary of public and agency submissions

Appendix 2  Permit Conditions – Environmental No. 9967
<table>
<thead>
<tr>
<th>Representation No./ Agency</th>
<th>EEPR section no.</th>
<th>EEPR Page no.</th>
<th>Comments and issues</th>
<th>Additional information required</th>
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</thead>
<tbody>
<tr>
<td>EPA</td>
<td>A.2</td>
<td>3, 8</td>
<td>The EEPR states a loose bulk density factor of 1.6 is applied to the product. The generally accepted loose bulk density for sand and sand products uses a factor of 1.4.</td>
<td>The proponent advised that this loose bulk density factor was based on the figure provided in the MRT Quarterly Mineral production Return form.</td>
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**TABLE 2: OTHER MATTERS RAISED DURING THE PUBLIC CONSULTATION PERIOD**

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<tr>
<th>Representation No./ Agency</th>
<th>EEPR section no.</th>
<th>EEPR Page no.</th>
<th>Comments and issues</th>
<th>Further Info requested [yes/no]</th>
<th>EPA Comments</th>
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</table>
| 7                         | NA              | NA           | Pitt Water – Orielton Lagoon Ramsar Site and Pitt Water Nature Reserve both bound the property and are managed by the Clarence City Council, whereas the Land to which the application relates is managed only by the Sorell Council.                                             | No                           | The application relates to Land within the Sorell Council’s municipality under the *Sorell Interim Planning Scheme 2015*.  
Environmental impacts are managed by the regulatory authority, which is the EPA for a level 2 activity.  
If offsite impacts were to occur then the Clarence City Council would be involved in any discussions.  
No further information is required for the Board’s assessment.                                                                                     |
| 8, 9                      | A.1 & A.2       | 8            | Concern regarding the illegal operation of the activity in the past (i.e. operating at 20,000 cubic meters with approval to only extract and process up to 4,999 cubic meters) and future compliance with conditions imposed. How is this monitored?               | No                           | Should Council grant a permit, the activity will be regulated by EPA Tasmania. Regular compliance auditing of the activity will occur.  
No further information is required for the Board’s assessment.                                                                                           |
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<td>7</td>
<td>B.1.3</td>
<td>22-23</td>
<td>Removal of topsoil is questionable, especially when replaced with the use of biosolids next to the Ramsar Site.</td>
<td>No</td>
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<td>While not typically considered best practice, the EEPR has presented a case that the existing topsoil is of poor quality and that an increase in land productivity for agriculture can be better achieved with its removal. No further information is required for the Board’s assessment.</td>
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<td>7</td>
<td>B.1.3</td>
<td>22-23</td>
<td>Removal of top soils, sand extraction and land levelling – must have a measurable change in the natural hydrological regime of the wetland.</td>
<td>No</td>
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<td>The catchment area of the site is small compared to the catchment size of the Ramsar Wetland and PCAB did not identify any sensitive vegetation within 500m of the land. Any runoff from the Pontos Hills is captured by a series of diversion channels directing water to the onsite dams for irrigation. Any changes to the Land as part of the extractive activity are considered unlikely to have a significant impact on the Ramsar Wetland. No further information is required for the Board’s assessment.</td>
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<tr>
<td>All representors</td>
<td>D.1, D.2, D.3, D.7, D.12</td>
<td>54-61, 62-63</td>
<td>Environmental impact of the proposal on the Pitt Water – Orielton Lagoon Ramsar Site. - Environmental flows from Pontos Hills should be allowed to flow naturally into the Ramsar Wetland. - Noise impacts on the wildlife, in particular birds using the Ramsar Wetland. - A permit from the Commonwealth Government should be obtained. Call for the permit application to be declined until a Commonwealth environmental assessment has been completed. - Wind swept sand and dust entering the Ramsar Wetland: - Movement of machinery could disturb birds, in particular near the north western areas to be excavated.</td>
<td>No</td>
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<td>Impacts on the wetland in regard to its RAMSAR status is a matter for consideration under the EPBC Act by the Commonwealth Government. It is strongly recommended that the proponent contact the Commonwealth to determine whether this proposal is considered a controlled action or not. Impacts on the wetland as an area of natural value have been considered in this assessment. Conditions have been imposed which require that dust and water emissions from the land must be controlled to prevent environmental nuisance beyond the boundary of the land. As an active farm it is anticipated that the movement and noise of machinery associated with the extractive activity is unlikely to impact significantly on wildlife. The proposal sets the activity back at least 80m from the high tide mark</td>
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Concerns about the increase in large vehicles using the road in association with the proposal.
- Safety of other users is the main concern, including cars, walkers and school kids walking home from the Shark Point Road and Penna Road intersection.
- Road condition is also a concern and further degradation may occur from increased heavy vehicle usage.
- Safety of residents trying to enter onto the road is also a concern, speed of trucks and the speed limit noted as primary reason. Suggested speed humps, footpath, slowing speed limit.
Complaint about the additional trucks delivering sewerage to the property also a concern.

Residences have experienced truck movements from the site on Saturday’s and Sunday’s over the years. Other truck movements are absent from the truck tally (i.e. biosolids, fuel, chemicals).

Spreading of biosolids right next to the Pitt Water – Orielton Lagoon Ramsar Site has potential to impact on the Ramsar Site.
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| 1-6 | D.7 | 61 | **Noise impacts from heavy vehicles passing peoples’ residences along Shark Point Road.**

No

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| 1-6 | D.11 | 62 | **An Aboriginal Heritage assessment should be completed due to the many middens on the coastline in this area.**

No

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| 7 | D.11 | 62 | **Aboriginal Heritage Tasmania should be determining the significance of an artefact, not just how old it is.**

No

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| 9 | D.17 | 65 | **Potential for high rainfall events in conjunction with sand mining activities to disturb acid sulfate soils (ASS).**

No

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| PCAB | A.9.3, D.2.3, D.13 & D.17 | 16, 54, 63 & 65 | I. Noted that there are no records of threatened flora or fauna species listed under the TSP Act within 500m of the proposed activity.

II. Supported the implementation of a weed management plan in accordance with the *Weed and Disease Planning and Hygiene Guidelines.*

No

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|   |   |   | No further information is required for the Board’s assessment.

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|   |   |   | Standard operating hours as per the QCoP will be imposed. The proponent will also be required to maintain a complaints register.

No further information is required for the Board’s assessment.

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|   |   |   | The proponent has already been advised that Aboriginal Heritage Tasmania requires an Aboriginal heritage investigation to be completed and the report provided to AHT.

No further information is required for the Board’s assessment.

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|   |   |   | See comment above on Aboriginal heritage.

No further information is required for the Board’s assessment.
### Environmental Assessment Report – R & P Morey – Flexmore Park Sand Extraction, Penna  
**Appendix 1**

#### III. Recommended the proponent be aware of how to identify potential acid sulfate soils and what to do if they are observed. Also recommended extraction be undertaken in accordance with the *Tasmanian Acid Sulfate Soil Management Guidelines*.

#### IV. Recommended that the proponent make themselves aware of their obligations under the EPBC Act in relation to the Ramsar Site and listed migratory bird species.

| Water Operations Branch | A.6.3 & D.16.1 | 10 & 63-64 | Construction of any new dams falls under the *Water Management Act 1999*. | No | The proponent must make themselves aware of their obligations under the WM Act if any dams are to be constructed on the land.  
No further information is required for the Board’s assessment. |
|---|---|---|---|---|---|
| Parks and Wildlife Service | B.1.3, D.1 and D.16.2 | 23, 54 and 64 | Concerns about the use of biosolids for farm soil improvements. The EEPR states surrounding pasture captures minor sediment movement around extraction areas, but no mention of capture of excessive nutrients or pollution from runoff. | No | As noted above, this application does not include spreading of biosolids and is considered to be a farming practice.  
A suite of standard conditions will require the appropriate management of stormwater, including retaining sediments on the Land, appropriate drainage / bunding to deal with a 1 in 20 year storm event, maintenance of the settlement pond, and management measures should water be discharged from the Land.  
No further information is required for the Board’s assessment. |
|  | B.5.1 | 31, 33 and 48 | Concerns about the sediment pond being located adjacent to potential ASS, especially during maintenance works (i.e. removing sediments from the pond to maintain appropriate capacity).  
PWS suggest a more detailed assessment of the drainage management is required to ensure proposed storage capacities are sufficient for appropriate annual exceedances. | No | A standard permit condition is included to require the maintenance of the sediment pond to ensure its capacity is maintained.  
Conditions in relation to potential ASS are included also, and include making sure the proponent / operator is aware of how to identify potential ASS and their appropriate management. |
PWS also recommend a stormwater drainage and reuse plan be required to ensure the proposal can manage stormwater to ensure runoff into the reserve is minimised.

PWS suggest the suitability of the settlement pond location should also be addressed in the plan.

Excavation works will be required to be undertaken in accordance with the *Tasmanian Acid Sulfate Soil Management Guideline*.

In the event ASS is encountered the proponent is required to notify the Director, EPA within 72 hours.

The standard suite of conditions related to stormwater are considered sufficient to ensure sediments leaving the site is minimised and controlled appropriately during storm events.

No further information is required for the Board’s assessment.

PWS notes that the EEPR refers to the online PWS note sheet ‘threats to the reserve’ for Pitt Water Nature Reserve. PWs suggest it would be more appropriate to refer to the DPIPWE Pitt Water Nature Reserve Management Plan 2013 instead.

No

The proponent’s attention is drawn to this comment in this table and it is suggested that the management plan be used as reference.

No further information is required for the Board’s assessment.

PWS state that justification should be provided for the statement that it’s ‘unlikely that noise from the activity will affect marine and migratory birds…’

PWS note that flightpath noise isn’t directly comparable to machinery movement and noise.

PWS also state that there are recorded resident shorebird breeding areas and migratory roosting and feeding areas directly adjacent to the proposed development and that noise could impact on feeding and breeding success.

PWS recommends that the proponent seek specialist advice so as to confirm whether the action is likely to amount to a significant impact on listed migratory bird species under the EPBC Act.

No

Further advice from PWS was sought about species, nesting locations, sensitive times of year and appropriate buffers, however, no further information was provided.

It is considered that the agricultural activities and past extraction will have built resilience in shore birds using the area and that the proposed extraction of sand using one excavator and one truck will not result in a significant increase to noise emissions.
PERMIT PART B
PERMIT CONDITIONS - ENVIRONMENTAL No. 9967

Issued under the Environmental Management and Pollution Control Act 1994

Activity: The operation of an extractive pit (ACTIVITY TYPE: Extractive Pits)
FLEXMORE PARK SAND EXTRACTION, 716 SHARK PARK ROAD
PENNA TAS 7172

The above activity has been assessed as a level 2 activity under the Environmental Management and Pollution Control Act 1994.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection Authority has required that this Permit Part B be included in any Permit granted under the Land Use Planning and Approvals Act 1993 with respect to the above activity.

Municipality: SORELL
Permit Application Reference: 5.2018.169.1
EPA file reference: 256110

Date conditions approved: 25th March 2019

Signed: DELEGATE FOR THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DELEGATE FOR THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY 25 MAR 2019
DEFINITIONS

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in Schedule 1 of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

ENVIRONMENTAL CONDITIONS

The person responsible for the activity must comply with the conditions contained in Schedule 2 of this Permit Part B.

INFORMATION

Attention is drawn to Schedule 3, which contains important additional information.
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Attachments

DELEGATE FOR THE BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

25 MAR 2019
Attachment 1: The Land (modified: 15/02/2019 15:17).................................................................................................1 page
Schedule 1: Definitions

In this Permit Part B:-

20,000 cubic metres per year is considered to be equivalent to 32,000 tonnes per year.

Aboriginal Relic has the meaning described in section 2(3) of the Aboriginal Heritage Act 1975.

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Control Location (Noise) means a location chosen to represent the general ambient sound without contribution from noise sources at the activity.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.


Environmental Harm and Material Environmental Harm and Serious Environmental Harm each have the meanings ascribed to them in Section 5 of EMPCA.

Environmental Nuisance and Pollutant each have the meanings ascribed to them in Section 3 of EMPCA.

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

Noise Sensitive Premises means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Quarry Code of Practice means the document of this title published by the Environment Protection Authority in May 2017, and includes any subsequent versions of this document.

Stormwater means water traversing the surface of The Land as a result of rainfall.

**The Land** means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by:

1. Mining lease 1297 P/M; and
2. As further delineated in Attachment 1; and
3. The coordinates detailed in Attachment 4 of the EEPR relate to Attachment 1.

**Weed** means a declared weed as defined in the *Weed Management Act 1999*. 
Schedule 2: Conditions

Maximum Quantities

Q1 Regulatory limits
   1 The activity must not exceed the following limits:
      1.1 20,000 cubic metres per year of product.

General

G1 Access to and awareness of conditions and associated documents
   A copy of these conditions and any associated documents referred to in these conditions must
   be held in a location that is known to and accessible to the person responsible for the activity.
   The person responsible for the activity must ensure that all persons who are responsible for
   undertaking work on The Land, including contractors and sub-contractors, are familiar with
   these conditions to the extent relevant to their work.

G2 Incident response
   If an incident causing or threatening environmental nuisance, serious environmental harm or
   material environmental harm from pollution occurs in the course of the activity, then the
   person responsible for the activity must immediately take all reasonable and practicable action
   to minimise any adverse environmental effects from the incident.

G3 No changes without approval
   1 The following changes, if they may cause or increase the emission of a pollutant which
      may cause material or serious environmental harm or environmental nuisance, must
      only take place in relation to the activity if such changes have been approved in writing
      by the EPA Board following its assessment of an application for a permit under the
      Land Use Planning and Approvals Act 1993, or approved in writing by the Director:
      1.1 a change to a process used in the course of carrying out the activity; or
      1.2 the construction, installation, alteration or removal of any structure or equipment
         used in the course of carrying out the activity; or
      1.3 a change in the quantity or characteristics of materials used in the course of
         carrying out the activity.

G4 Change of responsibility
   If the person responsible for the activity intends to cease to be responsible for the activity, that
   person must notify the Director in writing of the full particulars of any person succeeding him
   or her as the person responsible for the activity, before such cessation.

G5 Change of ownership
   If the owner of The Land upon which the activity is carried out changes or is to change, then,
   as soon as reasonably practicable but no later than 30 days after becoming aware of the
   change or intended change in the ownership of The Land, the person responsible must notify
   the Director in writing of the change or intended change of ownership.

G6 Complaints register
   1 A public complaints register must be maintained. The public complaints register must,
      as a minimum, record the following detail in relation to each complaint received in
      which it is alleged that environmental harm (including an environmental nuisance) has
      been caused by the activity:
1.1 the date and time at which the complaint was received;
1.2 contact details for the complainant (where provided);
1.3 the subject matter of the complaint;
1.4 any investigations undertaken with regard to the complaint; and
1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.

2 Complaint records must be maintained for a period of at least 3 years.

G7 Quarry Code of Practice
Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken on The Land must comply with the Acceptable Standards provisions of the *Quarry Code of Practice*.

Atmospheric

A1 Control of dust emissions
Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

A2 Covering of vehicles
Vehicles carrying loads containing material which may blow or spill must be equipped with effective control measures to prevent the escape of the materials from the vehicles when they leave The Land or travel on public roads. Effective control measures may include tarpaulins or load dampening.

A3 Control of dust emissions from plant
1 Dust produced by the operation of all crushing and screening plant must be controlled by the use of one or more of the following methods to the extent necessary to prevent environmental nuisance:
1.1 the installation of fixed water sprays at all fixed crushers and at all points where crushed material changes direction due to belt transfer;
1.2 the installation of dust extraction equipment at all fixed crushers and at all points where crushed material changes direction due to belt transfer, and the incorporation of such equipment with all vibrating screens;
1.3 the enclosure of the crushing and screening plant and the treatment of atmospheric emissions by dust extraction equipment; and
1.4 any other method that has been approved in writing by the Director.

Decommissioning And Rehabilitation

DC1 Notification of cessation
Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

DC2 Temporary suspension of activity
1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
2 During temporary suspension of the activity:
2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and

2.2 If required by the Director a Care and Maintenance Plan for the activity must be submitted, by a date specified in writing by the Director, for approval. The person responsible must implement the approved Care and Maintenance Plan, as may be amended from time to time with written approval of the Director.

3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

DC3 Progressive rehabilitation

1 Worked out or disused sections of The Land must be rehabilitated concurrently with extractive activities on other sections of The Land. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the Quarry Code of Practice, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is six hectares.

2 Notwithstanding Section 7.7 of the Quarry Code of Practice, topsoil is not required to be stripped and retained for progressive rehabilitation purposes on the Land.

DC4 Rehabilitation on cessation

1 Unless otherwise approved in writing by the Director, rehabilitation upon permanent cessation of the activity must be undertaken in accordance with relevant provisions of the Quarry Code of Practice and in accordance with the following:

1.1 Rehabilitation earthworks must be substantially completed within 12 months of cessation of the activity;

1.2 Rehabilitated areas must be monitored and maintained for a period of at least three years after rehabilitation works have been substantially completed, after which time the person responsible for the activity may apply in writing to the Director for a written statement that rehabilitation has been successfully completed.; and

1.3 Notwithstanding Section 7.7 of the Quarry Code of Practice, topsoil is not required to be stripped and retained for rehabilitation purposes on the Land.

Effluent Disposal

E1 Perimeter drains or bunds

1 Perimeter cut-off drains, or bunds, must be constructed at strategic locations on The Land to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains, or bunds, remains on The Land. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with the principles of Water Sensitive Urban Design.

2 Drains, or bunds, must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.
E2 Maintenance of settling ponds
Sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off The Land by surface run-off.

E3 Stormwater
1 Polluted stormwater that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.
2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside The Land.
3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

Hazardous Substances

H1 Storage and handling of hazardous materials
Unless otherwise approved in writing by the Director, environmentally hazardous material held on The Land, including chemicals, fuels and oils, must be located within impervious bunded areas or spill trays which are designed and maintained to contain at least 110% of the total volume of material.

H2 Spill kits
Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.

H3 Handling of hazardous materials - mobile
1 Where mobile containment of environmentally hazardous materials is utilised for the fuelling or servicing of mobile or fixed plant on The Land, all reasonable measures must be implemented to prevent unauthorised discharge, emission or deposition of pollutants:
   1.1 to soils within the boundary of The Land in a manner that is likely to cause serious or material environmental harm;
   1.2 to groundwater;
   1.3 to waterways; or
   1.4 beyond the boundary of The Land.
2 Reasonable measures may include spill kits, spill trays/bunds or absorbent pads, and automatic cut-offs on any pumping equipment.

Noise Control

N1 Noise emission limits
1 Noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed:
   1.1 45 dB(A) between 0700 hours and 1900 hours (Day time); and
   1.2 40 dB(A) between 1900 hours and 2200 hours (Evening time); and
   1.3 35 dB(A) between 2200 hours and 0700 hours (Night time).
2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A).

3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.

4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.

5 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.

N2 Noise complaints
In the event that a noise complaint is received in relation to the activity, the complaint must be reported to the Director within 24 hours.

N3 Noise survey requirements
A noise survey must be carried out, at such time as may reasonably be required by the Director, by notice in writing.

N4 Noise Survey Method and Reporting
1 Prior to undertaking a noise survey as required by these conditions, a proposed noise survey method must be submitted to the Director for approval.

2 Without limitation, the survey method must address the following:
   2.1 Measurements must be carried out at day, evening and night times (where applicable) at each location; and
   2.2 Measurement locations, and the number thereof, must be specified, with one location established as a control location (noise).

3 Measurements and data recorded during the survey must include:
   3.1 Operational status of noise producing equipment and throughput of the activity;
   3.2 Subjective descriptions of the sound at each location;
   3.3 Details of meteorological conditions relevant to the propagation of noise; and
   3.4 The equivalent continuous (L_{eq}) and \( L_{10} \), \( L_{10} \), \( L_{90} \), \( L_{90} \), and \( L_{99} \) A-weighted sound pressure levels measured over a period of 10 minutes or an alternative time interval specified by the Director.

4 A noise survey report must be forwarded to the Director within 30 days from the date on which the noise survey is completed.

5 The noise survey report must include the following:
   5.1 The results and interpretation of the measurements required by these conditions;
   5.2 A map of the area surrounding the activity with the boundary of The Land, measurement locations, and noise sensitive premises clearly marked on the map;
   5.3 Any other information that will assist with interpreting the results and whether the activity is in compliance with these conditions and EMPCA; and
   5.4 Recommendations of appropriate mitigation measures to manage any noise problems identified by the noise survey.

N5 Operating hours
1 Unless otherwise approved by the Director, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and screening/crushing must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays and 0800 hours to 1600 hours on Saturdays.
2 Notwithstanding the above paragraph, activities must not be carried out on public holidays that are observed Statewide (Easter Tuesday excepted).

Operations

OP1 Weed management
The Land must be kept substantially free of weeds to minimise the risk of weeds being spread through the transport of products from The Land.

OP2 Acid Sulfate Soils
1 A copy of the guideline entitled Acid Sulfate Soils - Indicators for Field Operators (DPIPWE, 2009), or any subsequent versions of this document, must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with this condition to the extent relevant to their work.

2 All excavation works must be undertaken in accordance with the Tasmanian Acid Sulfate Soil Management Guideline (DPIPWE, 2009), or any subsequent versions of this document.

3 In the event acid sulfate soils are identified during excavation of materials, the Director must be notified within 72 hours.
Schedule 3: Information

Legal Obligations

LO1  EMPCA
The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

LO2  Storage and handling of dangerous goods, explosives and dangerous substances
1  The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:
   1.1  *Work Health and Safety Act 2012* and subordinate regulations;
   1.2  *Explosives Act 2012* and subordinate regulations; and
   1.3  *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

LO3  Aboriginal relics requirements
1  Aboriginal relics, objects, sites, places and human remains regardless of whether they are located on public or private land, are protected under the *Aboriginal Heritage Act 1975*.
2  Unanticipated discoveries of Aboriginal heritage must be reported to Aboriginal Heritage Tasmania on **1300 487 045** as soon as possible.

Other Information

O11  Waste management hierarchy
1  Wastes should be managed in accordance with the following hierarchy of waste management:
   1.1  waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
   1.2  waste should be re-used or recycled to the maximum extent that is practicable; and
   1.3  waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

O12  Notification of incidents under section 32 of EMPCA
Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).